



EUI WORKING PAPERS EUROPEAN POLICY UNIT

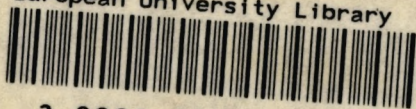
EUI Working Paper EPU No. 90/4

**The Origin and Development
of the Question Time Procedure
in the European Parliament**

MARTIN WESTLAKE

European University Institute, Florence

European University Library



3 0001 0011 5493 1

Please note

As from January 1990 the EUI Working Paper Series is divided into six sub-series, each sub-series will be numbered individually (e.g. EUI Working Paper LAW No 90/1).

EUROPEAN UNIVERSITY INSTITUTE, FLORENCE

EUROPEAN POLICY UNIT



EUI Working Paper EPU No. 90/4

**The Origin and Development
of the Question Time Procedure
in the European Parliament**

MARTIN WESTLAKE

BADIA FIESOLANA, SAN DOMENICO (FI)

All rights reserved.
No part of this paper may be reproduced in any form
without permission of the author.

© Martin Westlake
Printed in Italy in July 1990
European University Institute
Badia Fiesolana
I-50016 San Domenico (FI)
Italy

18.6.90

**THE ORIGIN AND DEVELOPMENT OF THE QUESTION TIME
PROCEDURE IN THE EUROPEAN PARLIAMENT
BY
MARTIN WESTLAKE(*)**

(*) Administrator in the Secretariat General of the Commission of the European Communities. The author wishes to make it clear that the views expressed in this paper are his own and do not engage any other person or organisation.

The European Policy Unit

The European Policy Unit at the European University Institute was created to further three main goals. First, to continue the development of the European University Institute as a forum for critical discussion of key items on the Community agenda. Second, to enhance the documentation available to scholars of European affairs. Third, to sponsor individual research projects on topics of current interest to the European Communities. Both as in-depth background studies and as policy analyses in their own right, these projects should prove valuable to Community policy-making.

1. Introduction

On Wednesday evenings, typically, at the European Parliament's plenary sessions in Strasbourg, a curious ritual unfolds. Voting on Single Act (Cooperation Procedure) reports usually starts at 5.00 p.m.. To have any influence on Cooperation Procedure legislation, Parliament is required to muster an absolute majority - 260 - of its members⁽¹⁾. The group whips are out in force and the chamber is full. Within moments of the completion of voting, however, the chamber has emptied, the impression of emptiness being further emphasised by the fact that the television lights have been turned off, and the cameramen, normally stationed in the hemicycle, sent home. At the same time, the Commission bench begins to fill. On occasion, as many as ten of the seventeen Commissioners may be present. The acting President announces a name and a number. A Commissioner stands and gives a brief reply. Of the few MEPs left in the Chamber (frequently there appear to be more Commissioners than there are parliamentarians), one or two might stand and ask short supplementary questions, to which the Commissioner will in turn reply. Another name and number will then be announced and the Commission will again take the floor, this process being repeated for an hour and a half.

This is Question Time to the Commission which, together with Question Time to the Council and to the Ministers meeting in Political Cooperation⁽²⁾, is one of the more venerable parts of the Parliament's proceedings, established in its present form in 1973, and tracing its roots back as far as the Common Assembly of the ECSC⁽³⁾. Traditional commentaries, particularly before the institution of direct elections in 1979, considered Question Time an important weapon in Parliament's limited armoury. Fitzmaurice, for example, listed it among the five powers of control of the Parliament⁽⁴⁾, and Cohen felt it was "clearly more than just another supervisory power"; "it provides parliamentarians with one of their principal and regular dialogues with the Commission, the Council and the Foreign Ministers."⁽⁵⁾

(1) Art. 7, SEA; Art. 149, EEC.

(2) Since December, 1976, Question Time has been divided into two parts. Question Time to the Council and the Foreign Ministers is invariably held on a different, generally earlier, day.

(3) Cohen, 'The Development of Question Time in the European Parliament, With Special Reference to the Role of British Members,' 16 C.M.L.Rev.1979, p.41.

(4) Fitzmaurice, *The European Parliament*, Saxon House, Farnborough, 1978, p.10. Herman and Lodge, *The European Parliament and the European Community*, Macmillan, London, 1978, p.57.

(5) Op.cit., p.58.

In a formal sense this might still be the case, but matters have clearly moved on. The still unfolding ramifications of direct elections and the Single European Act, to take but the two most important institutional developments since 1979, have considerably strengthened and extended Parliament's supervisory powers. In particular, Commissioners and, increasingly, Ministers of the Council Presidency-in-Office are frequent visitors to Parliament's specialised Committees and regular attenders of Parliament's plenary sessions. It was evident that direct elections would change both the structure and the nature of many of the Parliament's procedures. This paper sets out to examine the origin and development of one particular aspect of the European Parliament's questioning function, Question Time, and the way in which its procedures, together with those of the other institutions concerned, have evolved.

II. Origin, Legal Base and Evolution

A parliamentary control or supervisory function by way of questioning was first established in the ECSC Treaty. Art. 23.(3) provided that

"The High Authority shall reply orally or in writing to questions put to it by the Assembly or its Members."

Art. 23 also established a distinction between the obligations of the embryonic Commission and Council which has persisted to this day, since para. 4 provided only that members of the Council "shall be heard at their request". In plain terms, the High Authority was under an obligation to reply to the Common Assembly's questions, whereas the Council could reply if it wished. For the first years of the Community's life, the Council did not so wish, despite the Assembly's recommendations. (6) In fact, it was not until after the signing of the Rome Treaty that the Council agreed to answer Questions put by the now Parliamentary Assembly. The High Authority had meanwhile begun to answer Parliamentary Questions - a total of sixty during the Common Assembly's life. (7) Another theoretical distinction made in ECSC Art. 23 - between Written and Oral Questions - was to become increasingly apparent in practice, and in the early 1960s the answering institutions were to establish their internal

(6) See the 1955 Pöcher Report, A.C. Docs. 1955/56 n° 2, para. 40. See also Lindsay, *European Assemblies*, London, 1960, note 2, p.224.

(7) See Cohen, *op.cit.*, p.42.

procedures accordingly.⁽⁸⁾ Written Questions predominated (fifty-seven, against only three Oral Questions during the whole period (1951 - 1958)). They could be tabled at any time. Since the Common Assembly met but four times a year on average,⁽⁹⁾ the possibilities for tabling Oral Questions were limited. Indeed, the tabling of an Oral Question was something of a political event⁽¹⁰⁾, to a certain extent reflecting the absence of UK parliamentary tradition⁽¹¹⁾. With the benefit of hindsight, those early Oral Questions were far more discernible as antecedents of the current Oral Question with Debate procedure⁽¹²⁾, a point to be returned to later.

Article 140 of the Rome Treaty, the current legal basis for Question Time, continued the distinctions between the obligations of the Council and the Commission, and between Written and Oral Questions. Its paragraphs 3 and 4 provide that;

"The Commission shall reply orally or in writing to questions put to it by the European Parliament or by its members.

The Council shall be heard by the European Parliament in accordance with the conditions laid down by the Council in its rules of procedure."

The newly established Parliamentary Assembly had 142 members, as opposed to the 78 of the Common Assembly. This fact, together with the Council's new-found readiness to reply, resulted in the tabling of 41 Questions during the 1958-1959 session⁽¹³⁾, and similarly large increases in every year thereafter until the Question Time procedure itself was instituted in 1973. Thus, 180 Written Questions and 6 Oral Questions were answered in the 1961-1962 session. By 1969-1970,

(8) For the Council, see Houben, "Les Conseils de Ministres des Communautés Européennes", Leyden, 1964. For the High Authority/Commission, see Schwed, "Les Questions Ecrites du Parlement européen à la Commission," 13 RMC, 1970. For the P.E., see EP Rules of Procedure (1958) Rule 25 and, for additional conditions, E.P. Docs. 1959, n° 71, p.8.

(9) See Lindsay, *op.cit.*, p.218.

(10) See Kateyn, *L'Assemblée Commune de la Communauté Européenne du Charbon et de l'Acier*, Leyden, 1962.

(11) Although it was a Dutch MP, Henk Vredeling who first began, during the late 1960s, to exploit oral questions to a maximum. See below.

(12) A more elaborate procedure, governed by Rule 58 of the Parliament's current Rules of Procedure. Oral Questions with Debate may only be tabled by seven or more Members of a Committee, or a political group, and are subject to a number of constraints on admissibility and subject matter.

(13) Schwed, *op.cit.*, p.365-366.

the figures were 508 and 17; in 1970-1971, 583 and 16; and in 1971-1972, 641 and 23 respectively.⁽¹⁴⁾ Cohen observes that these increases were "due largely to the example set by the persistent questioning undertaken by Mr Vredeling".⁽¹⁵⁾ Fitzmaurice and Jackson recount that;

"The Dutch Socialist Henk Vredeling sometimes asked as many as 60 per cent of the questions in a year, thus earning himself the nickname "Vrageling" (vragen = to ask). A British Member, Lord O'Hagan, topped the table in his period: he is even said to have placed an advertisement in the press asking for material for questions."⁽¹⁶⁾

The Council's Rules of Procedure did not enlarge on the requirements of Art. 140, para. 4 (EEC)⁽¹⁷⁾, except to provide that any Member of the Council could represent it at meetings of the Parliament or alternatively that the Council's views could be presented in writing⁽¹⁸⁾. In the March-April 1960 Council session, the President of the Council announced that it had been decided to forward replies to Parliamentary Questions on matters which the Council had already considered⁽¹⁹⁾. Thus, by convention, the Council came to accept the distinction made in Article 140(3), between Written and Oral Questions, and belatedly accepted the principle that it was answerable, though always on a voluntary basis, to the Parliamentary Assembly. However, the Council has never felt itself to be under an obligation to be expansive and in any case has never been a loquacious institution. Its traditional reticence on the one hand, and the Commission's obligations on the other, are reflected in the numbers of Questions tabled to each institution down the years. (See Table I)

(14) Cocks, *The European Parliament*, H.M.S.O., London 1973, p.134. These figures are for parliamentary years. The figures given in Table One are for calendar years.

(15) Cohen, *op.cit.*, p.42.

(16) Fitzmaurice and Jackson, *The European Parliament*, Penguin Books, Harmondsworth, 1979, p.103. See also Herman and Lodge, *op.cit.*, p.62.

(17) Given the way in which the Council's Rules of Procedure were to develop, the provision of Article 140(4) became increasingly inappropriate. The Council Rules of Procedure (Luxembourg: Office for Official Publications of the European Communities, 1987) is an extremely slim document, and its articles, twenty in all, are strictly limited to internal organisation. The conditions governing the Council's responses are in fact laid down in a number of decisions, resolutions and agreements, together with statements of Presidencies-in-Office and declarations of European Councils.

(18) Cocks, *op.cit.*, p. 134.

(19) *Ibid.* In 1959, the Council also agreed that mutual consultation between Council and Commission might prove useful for Questions addressed to both institutions, or addressed to one, but directly concerning the other.

TABLE ONE

WRITTEN AND ORAL QUESTIONS TO THE COMMISSION,
THE COUNCIL, AND THE FOREIGN MINISTERS, 1969-1987

	1969	1971	1973	1975	1977	1979
Written questions						
Commission	504	633	637	747	1 152	1 674
Council	1	3	115	115	176	223
Foreign Ministers				4	34	88
Total	505	636	752	866	1 362	1 977
Oral questions						
Commission				46	72	42
Council			34	14	22	7
Foreign Ministers			17	5	4	2
Total	89	103	51	65	98	51

	1980	1981	1982	1983	1984	1985	1986	1987
Written questions								
Commission	1 995	1 744	2 022	1 946	1 976	2 949	2 671	2 628
Council	271	210	256	242	262	258	195	183
Foreign Ministers	57	37	66	49	73	125	157	161
Total	2 323	1 991	2 344	2 237	2 311	3 332	3 023	2 972
Oral questions								
Commission	61	67	63	52	36	68	29	35
Council	23	29	22	12	19	19	14	8
Foreign Ministers	5	7	12	6	8	14	7	2
Total	89	103	97	70	63	101	50	45

Source: Forging Ahead, 3rd Edition 1989, European Parliament, Directorate General for Research, Office for Official Publications of the European Communities, Luxembourg.

The Parliamentary Assembly⁽²⁰⁾ established its own rules of procedure governing the tabling of Questions. These reflected the Treaties distinction between Written and Oral Questions, but made a further distinction between Questions for Oral Answer Without Debate, and those for Oral Answer With Debate. The procedure for Questions with Written Answer has remained almost the same up to the present day. As Table I makes clear, it has become an enormous undertaking, particularly with regard to the Commission, with almost 3,000 Written Questions tabled in 1987. For a long time it remained the predominant method for the Parliament to fulfil its supervisory/control powers, and it has remained a backbencher's tool par excellence, making it possible to raise issues and glean inadvertent indiscretions which can then be pursued in other ways⁽²¹⁾. The statistics show that, as a procedural institution, it is in the best of health.

Although steadily more hedged about with conditions and provisos, the institution of Questions for Oral Answer With Debate has also survived more or less in the same basic form down to the present day. The procedure is similar to, and probably based on the 'interpellation' procedure commonly used in continental parliaments⁽²²⁾. There was always a trend towards using this variation as a device for set-piece political debates, and this has now been institutionalised by the 1989-1994 Parliament's decision to hold thematic grands débats at each plenary session, such debates being typically ordered around a series of Questions for Oral Answer with Debate.

As remarked before, the chief recognisable antecedent of Question Time is the procedure for Questions for Oral Answer Without Debate. Cocks described the procedure thus;

(20) The Parliamentary Assembly changed its title to the European Parliament on 30 March 1962. This change was finally enshrined in the Single European Act, signed on 28 February 1986. Hereinafter the final title, European Parliament, is used.

(21) See Fitzmaurice, op.cit., p.150, and Fitzmaurice and Jackson, op.cit., p.103.

(22) Cocks, op.cit., p.135, Herman and Lodge, op.cit., p. .62.

"As in the case of Questions for Written Answer, Questions must be brief and relate to specific matters and not to problems of a general nature. Under the terms of Rule 46(2) of the Rules of Procedure, the Parliament may set aside not more than half a day in each part-session for answers to Oral Questions. Questions left unanswered after this are carried forward to the next part-session or answered in writing according to the choice of the questioner. In plenary meetings, the Member putting a Question reads it out and may speak upon it for up to ten minutes. The Commissioner or member of the Council replying may give a brief reply. If a Question is directed to the Commission, the Member putting it may ask one or two supplementary questions, to which the Commissioner may give a brief reply"(23).

Since the advent of Question Time, the procedure has fallen into almost complete disuse⁽²⁴⁾ and it is easy to see why; in effect, Question Time is a series of Oral Questions Without Debate.

Nonetheless, throughout the 1960s, the European Parliament's questioning function was assured by these three procedures - Questions for Written Answer, Questions for Oral Answer Without Debate, and Questions for Oral Answer With Debate, governed by their corresponding Rules (45, 46 and 47 respectively). In 1973, a fourth variation was introduced.

III. The Introduction of Question Time

Although its exact origin in relation to the European Parliament is unclear, the idea of instituting a regular question-and-answer session was already gaining currency by 1970 (25). Several of the Member States' parliamentary assemblies (e.g., the Belgian Chamber of Representatives) had similar procedures, and these probably served as inspiration. With an eye to the ever-increasing numbers of Questions being tabled, and an ear to the underlying interest these represented, the Parliament's Enlarged Bureau, on 7 October 1971, directed the Legal Affairs Committee to re-examine the idea of establishing a regular Question Hour. Mr Memmel (D/CD) was appointed rapporteur, and his report, together with a proposal for an amendment to Rule 47, and annexed guidelines, was unanimously adopted in Committee⁽²⁶⁾.

(23) Ibid.

(24) See, e.g., Summary of the texts concerning relations between the European Parliament and the Council, General Secretariat of the Council, Sept. 1982, Office for Official Publications, Luxembourg, p. 39.

(25) Jacqué, *Chronique Parlement Européen*, 10 R.T.D.E., 1974, p. 730.

(26) E.P. Docs. 1972/73, n° 252, and O.J. 1973 Annex n° 157, 18.1.73, pp. 98-111 for plenary debate.

What then happened was described by the rapporteur as a "regular chapter of accidents"⁽²⁷⁾. First, the Commission "raised some difficulties"⁽²⁸⁾. The Committee re-opened the discussion on its report on 20 March 1972, taking on board the Commission's objections and making an addition to the report. The newly enlarged report was adopted by the Committee on 24 April 1972, but found no favour with the Enlarged Bureau. In September, 1972, this latter made new proposals, so that the report was again referred back to Committee. The document and the amendment to the Rules of Procedure were not finally debated and adopted until January, 1973. This happened to be the first Parliamentary session in which the new British arrivals participated⁽²⁹⁾. The influence of the Westminster model was broadly acknowledged⁽³⁰⁾, but although British parliamentarians were to make the device largely their own⁽³¹⁾, the coincidence of Question Time and British participation was purely contrived:

"... when the Bureau of the European Parliament and the Legal Affairs Committee took up this suggestion of introducing by means of a Rule 47(a), a time reserved for questions in our European Parliament, we imagine that they were not altogether unmindful of the fact that our British colleagues were to join us on the benches. It is a kind of welcoming present: so that our colleagues should not feel out of their element, this debate has been placed on today's agenda."⁽³²⁾

(27) O.J., Annex n° 157, 18.1.73, p.98.

(28) Ibid.

(29) Although the delegation was at half-strength; the October 1972 Labour Party Conference and a December 1972 Parliamentary Labour Party meeting decided that no Labour MPs should attend the European Parliament until the terms of UK entry into the EC had been renegotiated. Labour members finally took up their seats after the June 1975 referendum. See, e.g. Butler and Marquand, *European elections and British politics*, Longman, London, 1981, especially Ch.2.

(30) Fitzmaurice and Jackson, *op.cit.*, p.104.

(31) See Cohen, *op.cit.*, p.58.

(32) O.J. Annex n° 157, 18.1.73, p.104. See also Jacqué, *op.cit.* p.729. Cohen points out that, although interest in the Parliament ran high, the 1972 "Vedel Report" (Report of the Working Party Examining the Problems of the Enlargement of the Powers of the European Parliament, Bulletin of the E.C., 1972, Supp. 4) made only a casual, passing reference to the Parliament's questioning powers. (*op.cit.*, p.43.)

The new Rule 47(a) read as follows;

"1. A question time shall be set aside at the commencement of the second or third sitting day during the part-session, when any Representative may put a brief oral question to the Commission or Council.

Rule 46 shall not be affected by this provision.

The detailed procedure for the conduct of questions shall be governed by guidelines.

2. Before the close of question time any political group or at least five Representatives may request that a debate be held immediately thereafter on the Commission's answer to a clearly defined question of general topical interest during which brief oral questions, suggestions or comments may be addressed to the Commission of the European Communities.

Rule 47 shall not be affected by this provision.

The detailed procedure for the conduct of such debates shall be governed by guidelines."

Five points are of particular interest in this first version. First of all, the backbencher's sovereign right ("any Representative") is enshrined. Secondly, Rule 46, governing Questions for Oral Answer Without Debate, clearly was affected by this new provision, as was seen above. Thirdly, the innovation of leaving detail to annexed guidelines was introduced. Fourthly, the provision for an immediate debate of general topical interest would, despite para. 2., second indent, to the contrary, seem to have impinged on the provisions of Rule 47, governing Questions for Oral Answer With Debate. In plain terms, the pioneering rules for Question Time fell, with a considerable degree of overlap, between the rules governing Oral Answers With and those Without Debate. The Legal Affairs Committee's final draft still wavered between the one and the other, between the broad edge of topical debates with detailed questioning, and the cut-and-thrust of sharp parliamentary scrutiny. This divergence was reflected in the parliamentary debate before adoption⁽³³⁾. Lastly, and in the same vein, the provision in para. 2 for debate initially applied only to the Commission. The rapporteur made the reason for this clear;

(33) See below.

"We can constrain the Commission to come here, we can even send it away, if we so wish and agree. With the Council we are powerless. We are dependent on its grace, favour and benevolence. For that reason in Rule 47(a) we deliberately refrained from including the Council. It is true that the Council has now agreed to attend Question Time, but not the debate, if so requested." (34)

Mr BROEKSZ (NI), spokesman for the Socialist Group, considered it "very important that when questions are put the Commissioner concerned and, we would hope, the President of the Council or his Deputy, will be present to answer the Questions." (35) Mr BAAS (N), spokesman for the Liberal and Allies Group, agreed with Mr BROEKSZ that "for a discussion to be truly topical the Commission and the Council would have to be present here. We can read the stereotype answers by the Council, but they are not sufficiently interesting to attempt delving deeper into the material." (36) However, Mr BROEKSZ recognised that "Only when the Commission is present can Question Time become a success." (37), and the rapporteur was under no illusions about the importance of Commission cooperation if the institution were to serve any useful purpose. For the Commission, Mr SCARASCIA MUGNOZZA, an Italian Vice-President, made perfectly clear the Commission's intention to engage in such cooperation;

"... the Commission is very happy that there should be scrutiny of its administration. This is one of the reasons why, in organising the Commission departments, we agree that the size of the staff working on parliamentary questions should be increased so that replies to both oral and written question may be as prompt, detailed and comprehensive as possible. This progress is apparently slight but is undoubtedly of great importance, and the Commission will not try to evade its responsibilities ...

"The Commission for its part, intends to deal with any questions put to it in a straightforward and committed fashion, for we believe that only in this way can we move forward towards building Europe ... we shall do our utmost to see that this new procedure is adopted by the Commission, to see that the debate is brief but also very clear, providing proof of the continued link between the Commission and the European Parliament." (38)

The Council was absent from the debate.

(34) O.J., Annex n° 157, 18.1.73, p.109.

(35) Ibid., p. 100.

(36) Ibid., p. 101.

(37) Ibid., p. 110.

(38) Ibid., p. 108.

Ultimately, however, the Council's attitude was not quite as dark as Mr MEMMEL had painted it. In 1973, the Council adopted a number of general principles for Written and Oral Questions. In particular, the Council:

"- confirm(ed) its decision to reply to all written questions and express(ed) its intention to reply henceforth to all oral questions put to it;

(was) prepared to take all steps necessary to improve or speed up the procedure for preparing replies to written and oral questions."(39)

Moreover, in relation to Rule 47A (2) (Debate at the end of Question Time), the Council adopted a further principle;

"... If, at the end of Question Time, the Parliament wished to hold a debate on the basis of a reply given by the Council, the latter would within the limits of its powers contribute to that debate."(40)

Lastly, in April, 1973, the Council established an internal procedure for the preparation of its replies(41).

But in two important respects Parliament's misgivings about the Council's probable attitude were well-founded. First, Parliamentarians frequently accuse the Council of observing the letter and ignoring the spirit of the procedure. Much of this has to do with the Council's previously remarked-upon, traditional reticence, and much of that reticence has to do with the way in which replies are prepared under the internal procedure referred to above. It is the Council General Secretariat, monitored by the permanent representations meeting together in the Working Party on General Affairs, which prepares the draft texts of replies. Such a procedure hardly lends itself to loquaciousness. Furthermore, it has become an unwritten convention of Council Presidencies that the Minister taking Question Time should stick to the prepared text, and that answers to Supplementary Questions should be kept short and to the point. These understandable tendencies were the antithesis of what the Parliament had sought.

In a second important respect the Council, together with the Commission, disappointed the Parliament;

"... the efficacy of Question Time is undermined by the fact that the Parliament questions the Commission and the Council on different days, and

(39) R/2641/73.

(40) Ibid.

(41) R/1056/73.

neither body is formally present to hear the other's replies or to participate in debates to which these replies lead."⁽⁴²⁾

Neither institution was prepared to embarrass, nor be embarrassed, in front of the other, and this convention has continued to the present day.

Herman and Lodge⁽⁴³⁾ drew attention to another aspect of the Council's apparent reticence, which they dubbed "the parliamentary vacuum." The problem, which was finally resolved, although not necessarily solved, by the establishment of a directly-elected Parliament in 1979, was defined as being "where political responsibility can be located in neither the national nor the European parliamentary bodies."⁽⁴⁴⁾ In 1976, the then President of the European Parliament, Mr Georges Spénale, commented that;

" ... It is absolutely essential that the Council should think again about this problem, since the replies which have been given are not satisfactory.

In fact, after replying 'We cannot speak about these matters because they are confidential', you add 'But you can ask your Minister for the answer in your national Parliament.' In other words, the President-in-Office of the Council can reply in the Netherlands Parliament, as the Netherlands Minister of Foreign Affairs, to those of our colleagues who are Members of the Netherlands Parliament, but he cannot reply to them here as President-in-Office of the Council. This means that from the Council, which is a Community institution, we can only obtain fragmentary replies in our national parliaments! Furthermore, by a curious prismatic process, the replies which our Ministers give to our national parliaments do not always coincide exactly, which is not satisfactory either."⁽⁴⁵⁾

Ironically, while direct elections resolved one problem, they merely made the latter invisible since, with the exception of certain specialised committees in some Member States' parliaments⁽⁴⁶⁾, national Ministers are no longer subjected to any sort of scrutiny of their actions in the Council by members of the European Parliament, save when their Member State holds the EC Presidency, and then only in that capacity.

(42) Herman and Lodge, op.cit., p.57. It was not ever thus. Before Question Time was split into sections held on different days, representatives of the two institutions were physically, but not formally, present at the same time.

(43) Ibid., pp. 57-58.

(44) Ibid., p.58.

(45) O.J., Annex n° 209, 17.11.76, p.87.

(46) See 'Bodies within National Parliaments specialising in European Community Affairs', April 1989, European Parliament, Directorate General for Research.

It is instructive to look briefly at some of the contributions to the debate held immediately prior to the adoption of the Question Time procedure, since these clearly establish the Parliament's original intentions and expectations.

The rapporteur, Mr MEMMEL, made much reference to the UK House of Commons where "Question Time has proved to be an important parliamentary instrument which influences public opinion, and is a means of subjecting the government and the administration to constant supervision and criticism."⁽⁴⁷⁾ He hoped that "the genuine parliamentary instruments" of Question Time and debate might "serve to some extent to draw the European Parliament out of its shadowy existence. Question time and debate may arouse public interest in the sittings of the Parliament, and perhaps serve to draw closer the bonds between it and other institutions."⁽⁴⁸⁾

For the Christian Democratic Group, Mr MEISTER (D) also stressed the public opinion angle; "not only will it provide an effective instrument to influence the public, but ... public interest in the Parliament's task will be aroused and promoted."⁽⁴⁹⁾ For the Socialist Group, Mr BROEKSZ (NL) felt it gave Parliament "the opportunity to prod in cases of bureaucracy and inattention by the Commission and its services and by the Council and its services."⁽⁵⁰⁾ For the Liberal and Allies Group, Mr BAAS (NL) saw Question Time "as an opportunity for airing topical matters on which policy matters are soon to be taken,"⁽⁵¹⁾ while Mr LEFEBVRE (B/LIB) saw its purpose as "to question the Commission, or if appropriate the Council of Ministers, on the application of the Treaties."⁽⁵²⁾ However, perhaps the most succinct definition was left to a new British Conservative member, Sir Derek WALKER-SMITH;

"The real value of a regular question time is that it imposes on the executive the knowledge that all their actions are subject to parliamentary scrutiny and interrogation and will be examined closely and conscientiously in the interest of those millions whom we here seek to represent. That knowledge has a tonic effect on executive bodies. It is a spur where speed is needed and a brake where administrative considerations are in danger of out-running popular will.

The attitude of Parliament to the executive should be one of criticism and inquiry, tempered by the realisation that action, administration and the effective practice of government is inherently and

(47) O.J., Annex n° 157, 18.1.73, p.98.

(48) Ibid., p.99.

(49) Ibid.

(50) Ibid., p.100.

(51) Ibid., p.101.

(52) Ibid., p.106.

inescapably more difficult than the task of comment and criticism without the function of government, which is all that rests with us here in this Chamber. The relationship should therefore be one of continual confrontation stopping short of conflict."(53)

Parliamentarians recognised that a number of elements would be vital for the success of the new procedure. Three - garnering a sufficiently high level of press attention, the cooperation of the other institutions involved, and the simultaneous presence and willingness to participate of both Commission and Council, together with a general willingness to enter into the spirit of the new procedure - have already been mentioned. A fourth was the need for the Commissioner responsible for a particular dossier to take questions relevant to it.

"Will the Commissioners to whom the questions are put be present at the time when the question is put? Or will they not be present?

"The position should not be that the one Commissioner says to the other: "You are going to the meeting anyway, this is my answer, just read it out; and as to the supplementary questions, you will be able to get round them." If it is done like this, the plan will fail. It will fail because it will not then be possible to carry on the debate that may lie behind it with the Commissioner concerned. I consider it very important that when questions are put the Commissioner concerned and we would hope, the President of the Council or his Deputy, will be present to answer the questions."(54)

"A reply by a Commissioner other than the one responsible seems to me of little purpose. As soon as Parliament knows that the Commissioner is reading the reply, it would find it particularly easy to embarrass him by means of supplementary questions. I therefore hope that the Commission will prepare itself. From the reply to a supplementary question we shall know whether the Commissioner knows exactly what he has told us or whether he has merely read out a piece of prose that has been prepared for him. I urgently appeal to the Commission and the Council that they be aware of this. It is stated quite clearly in the proposal that two supplementary questions may be put. The supplementary questions offer an opportunity of testing the Commission or the Council."(55)

The Commission's reply to this point was that:

(53) Ibid., p.103.

(54) Ibid., p.100.

(55) Ibid., p.101.

"We wish Commissioners to be able to attend all the meetings in person, to be present at the sittings of the House and to reply in person to all the problems raised. Obviously a Commissioner may be absent from time to time, but in that case another Commissioner will take over with equal authority. This will be the exception, however, not the rule."(56)

Lastly, there was recognition of the need for procedural strictness and for empathetic rulings from the Chair;

"We must remember, however, that it will be favourable only if Question Time is conducted at an appropriately high level and does not deviate into humdrum questions, questions which perhaps do trouble Members and indeed must trouble them, but do not come within the responsibility of the Commission or the Council. Very precise conditions must, therefore, be laid down for questions to be accepted: questions must be clearly worded, relate to concrete problems, and should not deviate into abstract generalities; they must be so framed as to elicit short and clear answers which can be given without time-consuming preliminary work, detailed study or research, etc. Questions on the agenda for the day should not be raised, since we do not wish to bypass, favour or relegate to Question Time the discussion of items on the agenda.

"The principle is also important, Mr President, that questions must in fact be asked, rather than explanations, statements, assessments or other irrelevant matter be offered."(57)

"It will be for the President to make Question Time into what we want, namely a genuine exercise of control by Parliament over the Commission and a way of drawing Parliament's existence to the attention of the general public more firmly."(58)

In this context, the Legal Affairs Committee had been at pains in drafting the annexed guidelines (or vade-mecum, as it was sometimes referred to) to ensure that Question Time was more likely to result in institutional dialogue rather than a series of speeches or detailed, considered, position-taking. It is a compliment to that Committee's work that, with one or two minor changes, those guidelines have survived more or less intact down to the present day.

Questions must fall within the competence of the institution to which they are addressed, and must be of general interest. They must be brief, concisely formulated, and must refer to specific points. They cannot refer to a matter being dealt with elsewhere in Parliament's agenda, cannot contain assertions or

(56) Ibid., p.108.

(57) Ibid., p.99.

(58) Ibid., p.110.

opinions, must not relate to personal matters, and cannot request documentation or statistical information. Decisions on admissibility, of the original questions and any supplementaries, are the prerogative of the President of Parliament, or Chair of a sitting, respectively⁽⁵⁹⁾.

The first Question Hour took place on Tuesday, 13 February 1973⁽⁶⁰⁾. Six questions were taken, all of them to the Commission. There were twenty supplementary questions, and the Chair had to rule on the admissibility of two of them. Five questions were not taken. At their authors' requests, four were held over to the March 1973 Question Hour, while a fifth received a written reply. A twelfth question, on Community relations with China, was withdrawn after the author had called, in accordance with Rule 47A(2), for an hour's debate⁽⁶¹⁾. It was a fairly accurate indicator of how Question Time was likely to develop over the next six years; most of the typical elements were there.

IV. Question Time Developments; 1973-1979

As with many Parliamentary procedures, Question Time evolved steadily by way of a combination of adjustments in practice, undertakings by the institutions concerned, and developing customs. However, the basic framework remained essentially unaltered.

Questions were first addressed to the Council very early on, in April, 1973.⁽⁶²⁾ Eight questions were taken during Question Hour, six addressed to the Commission, and two to the Council. These concerned the inconclusiveness of certain Council meetings, and the powers of the Parliament. Of the twenty supplementary questions taken, four were addressed to the Council.

In July 1973⁽⁶³⁾, in a celebrated incident, Commissioner Lardinois was absent and the Commission was unable to answer a series of questions on agricultural matters. Commissioner Lardinois was, it transpired, at the London Royal Show, together with another Commissioner, Sir Christopher Soames, this knowledge leading to the considerable discomfiture of the Commissioner present, Vice-President Scarascia Mugnozza. The incident was the first of a series where the Commission was obliged to re-affirm the principle that parliamentarians have

"a perfect right to demand, to require and to request that Commissioners who are responsible for a particular dossier should be able to be present".⁽⁶⁴⁾

(59) See Jacqué, *op.cit.*, pp. 729-730 for a contemporary analysis of the Question Hour rules.

(60) O.J., Annex n° 158, 13.2.73, pp. 40-53.

(61) *Ibid.*, pp. 54-60.

(62) O.J., Annex, n° 161, 5.4.73, pp.53-71.

(63) O.J., Annex, n° 164, 3.7.73, pp.15-23.

(64) Commissioner Burke, O.J., Annex, n° 230, 9.5.78, p.71.

Whether such attendance is obligatory is debateable. In practice, the Commission has continued to favour the principle, and its efforts to comply with it have led to periodic calls for the Parliament to order its work more reasonably. The general record of the attendance of appropriate Commissioners at Question Time has remained good⁽⁶⁵⁾, despite increasingly busy schedules and the absence of any positions corresponding to those of junior ministers in national governments. There are several reasons for this. In the first place, and as Vice-President Scarascia Mugnozza announced at the outset, the Commission established internal mechanisms and procedures so that, within its overall collegiality, individual competences and responsibilities could be determined. However, perhaps just as important, and quite apart from the proprietorial interest Commissioners might feel about particular dossiers, Commissioners have tended to come from long and distinguished parliamentary backgrounds, engendering in them a feeling of political obligation. Lastly, it should not be forgotten that many Commissioners enjoy their encounters with the Parliament; Mr Sutherland, Mr Andriessen and Mr Bangemann, three recent examples, all clearly enjoy the cut-and-thrust of debate at Question Time.

The first question to the President of the Foreign Ministers meeting in European Political Cooperation was tabled in March, 1976⁽⁶⁶⁾. Parliament was deliberately jumping the gun, and Mr THORN was obliged to point out, in his official capacity as President-in-Office, that Question Time was not yet applicable to problems of political cooperation. Having issued this caution, however, he proceeded to answer the question, and this de facto extension of the procedure was later confirmed by Mr THORN, as President of the Conference of Foreign Ministers, in a letter to Parliament's President⁽⁶⁷⁾.

In December 1976, Question Hour was extended to three hours, one and a half hours devoted to the Commission and one and a half hours to the Council and to the EPC, it later becoming the custom for a half hour to be devoted to the EPC⁽⁶⁸⁾. This extension was a direct response to the rapid increase in the number of questions tabled (1973/74, 126; 1974/75, 136; 1975/76, 249).⁽⁶⁹⁾ The sudden increase in 1975/76 can be largely attributed to the belated arrival of the full complement of British MEPs. With the addition of the British Labour members in July, 1975, the British contingent rose from 21 to 36. In the year that followed, the number of questions tabled by British members all but doubled, from 46 to 91. Cohen surmised that "an element of friendly rivalry between the

(65) To take a very recent example, during the February 1990 plenary session, when Question Time to the Commission was switched at relatively short notice to the night session, no fewer than 9 Commissioners were present.

(66) O.J. Annex n° 201, 10.3.76, pp.15-16.

(67) 10 May 1976.

(68) February, 1977. See O.J. Annex n° 212, 9.2.77, pp.106 - 108.

(69) Source: Cohen, op.cit., p.52.

established Conservative members and the new Labour arrivals may have transmitted itself from the House of Commons to the European Parliament".(70)

By 1979, British members were asking on average some 60% of all supplementary questions⁽⁷¹⁾. Cohen went on to argue that, since members could only ask one supplementary question, this emphasised "a high degree of political teamwork".⁽⁷²⁾ There are two more mundane explanations, however. First, since more British members were tabling questions, more would tend to be sitting in the chamber, waiting for their question to come up. Second, some at least of the high number of UK supplementaries can also be explained by traditional, Westminster-style, cross-floor, party-political banter, which does not necessarily require teamwork.

Cohen admitted that this predominance gave "a peculiarly British character to the proceedings"⁽⁷³⁾ and accurately predicted "that the eighty-one British Members of the future European Parliament will still play a leading role in the Question Times to come".⁽⁷⁴⁾ Overall, he was relatively sanguine about the general health of the proceedings. The majority of questioners were receiving an oral reply from a representative of the institution concerned during the Question Time selected⁽⁷⁵⁾. He also noted a certain eagerness on the part of the Foreign Ministers to participate⁽⁷⁶⁾, and speculated that this might be partly traced to the political opportunity this provided to test the acceptability of their policies in a European parliamentary environment.

Cohen went on to examine the differences between Question Times in the House of Commons and in the European Parliament. In the first place, a substantial part of Commons Question Time "is devoted to making party propaganda and ... the success of a Question may depend upon the extent to which the political parties ... and the media and pressure groups, take up the issue."⁽⁷⁷⁾ In the case of Question Time in the European Parliament, neither the Commission nor the Council Presidency-in-Office has a political colour, and party (or group) political propaganda is largely irrelevant.

In the second place, "the function of Question Time in the House of Commons is further distinguished from that of the European Parliament by the tradition that British Ministers may be questioned, not only on matters for which they are statutorily responsible, but also concerning grievances of a general nature".⁽⁷⁸⁾ Such

(70) *Ibid.*, p.53.

(71) *Ibid.*, p.54.

(72) *Ibid.*

(73) *Ibid.*, p.54.

(74) *Ibid.*, p.59.

(75) *Ibid.*, p.46.

(76) *Ibid.*, p.48.

(77) *Ibid.*, p.50.

(78) *Ibid.*

generalised questioning is clearly excluded by Parliament's rules but, even if it were not, it would have little purpose in a context devoid of the traditional Westminster roles of 'Government' and 'Opposition'. This also partly explains the absence of "inspired questioning", another Westminster practice, whereby planted questions from friendly parliamentarians enable Ministers to make policy statements. Such practice would in any case be redundant, since the Treaties grant the Commission and the Council an unrestricted right to be heard in the Parliament. (79)

In retrospect, Cohen's review also identified some of the seeds of the procedure's relative decline. In the debate accompanying the adoption of the procedure, Mr BAAS had spoken of Question Time as "an opportunity for airing topical matters". But, as Cohen pointed out;

"the possibility of raising such topical issues is to some extent limited by the requirement that all Questions must be tabled at least one week before the relevant Question Time begins. In practice, bearing in mind the virtual necessity of sending many of these Questions in by post from abroad the effective delay between the date on which the Question is first conceived by the Member and the date on which it is actually asked in the European Parliament may be considerably longer than a week. In political terms this could represent a substantial delay so that really topical matters, i.e. issues of an urgent or immediate nature, cannot always be conveniently raised in this way. Although the Rules of Procedure do make provision for giving shorter notice of Questions, this can only be done if the Institution concerned is agreeable. (80)

Moreover, as pointed out in Section III, the Question Time procedure overlapped considerably with the procedure for Oral Answer with Debate. The difference in purpose between a debate of "general and topical interest" following Question Time and a debate following an Oral Answer by one, or both, institutions was never clear from the outset, and was to become increasingly blurred. Further, the latter had the advantage of potential involvement of both institutions (by way of a joint debate), while the unintended effect of the rules of admissibility for Question Time was the virtual disqualification of most topical debate.

(79) ECSC Art. 23(2), EEC Art. 140(2), and EAEC Art. 110(2).

(80) Cohen, op.cit., pp.46-47.

Cohen also identified an increasing abuse of the procedure. He pointed out, first, that very few of the starred Questions on the House of Commons Order Paper actually receive an oral reply on the day⁽⁸¹⁾, so that "... the relative speed of the written answer can be worth the loss of the chance to ask a supplementary question".⁽⁸²⁾ The opposite, Cohen argued, was the case in the European Parliament, where written answers could take two or more months from the date on which the Question was submitted.

"As a result, the use of Question Time in the European Parliament has the double attraction for Members of providing, not only greater pressure on the Institution concerned, but also the probability of a much faster reply than by using the written procedure. In the case of Questions to the Commission, this pressure is emphasised by their obligation under the Treaties to answer such Questions."⁽⁸³⁾

In fact, a checklist of the conditions for success that Members had enunciated in 1973 shows that none had been fully met by 1979. Above all, Question Time had failed to garner a sufficiently high level of press attention. Until 1979, this failure was perhaps hidden by the Parliament's general failure to attract press coverage, and it could be argued that it is impossible to make sensational revelations about intrinsically obscure matters. However, the record since 1979, with rapidly increasing general press coverage and a burgeoning public image for the Community in general and the Parliament in particular, shows clearly that this was not and is not the root cause.

When it came to the cooperation of the other institutions involved, the record was mixed. As has been noted, the Foreign Ministers displayed a certain eagerness to participate effectively. As has also been noted, both the Commission and the Council laid down internal procedures and mechanisms to facilitate their active participation in the exercise. In retrospect, it was perhaps unrealistic to suppose that, given their composite nature and the absence of oppositional political platforms, the Council and the Commission might have been able to successfully activate a model taken from an adversarial system of which, in any case, few of their members had any first-hand knowledge.

(81) *Ibid.*, pp.46-47. During the 1988-89 parliamentary session, for example, no less than 23,392 questions were tabled for answer. Only 2,417 were reached by Ministers. Sessional Returns 1988-89, Commons Paper 110, H.M.S.O., 1990.

(82) Rush, *The Member of Parliament and his Information*, London, 1970, p.14.

(83) Cohen, *op.cit.*, p. 47.

By tacit agreement, Council and Commission were never officially simultaneously present and this arrangement was formalised when Parliament extended the duration of Question Time to three hours and divided it into sections taking place on separate days. (See above) As has been seen, "incidents" occurred, where the appropriate Commissioner was not present, and, perhaps more for procedural reasons than out of any institutional conservatism, the Council was reticent in its replies. Lastly, rulings from the Chair were uneven.

Cohen wrote of "the dilemma of Community parliamentarians who, unlike national M.P.s questioning Ministers in national parliaments, cannot reinforce their questioning with an express or implied threat of bringing party political pressure to bear at a Community level."⁽⁸⁴⁾ And concluded that "... however lively and constructive the Question Time dialogue may become, in the end result, without additional legal powers, the outcome is heavily dependent on institutional co-operation."⁽⁸⁵⁾ The forthcoming elections of June, 1979, brought a faint ray of hope;

"... the possibility of future Question Times gradually evolving as part of a sharper confrontation between the European political groups cannot be ruled out once the Members of the European Parliament are directly elected."⁽⁸⁶⁾

V. From 1979 to the Present Day

The newly-elected Parliament inherited its rules of procedure from its appointed predecessor, although its Committee on Rules almost immediately began work on a major overhaul⁽⁸⁷⁾, the new rules being adopted on 4 May 1981⁽⁸⁸⁾. However, the rules and guidelines relating to Question Time were unchanged.

i) The 1979 Direct Elections

The institution of elections had four direct effects and one indirect effect on Question Time, all of them tending to erode its relative importance and efficacy.

In the first place, Parliament's membership shot up from 198 in the Parliament of the Nine (1973 - 1979) to 410 in July, 1979, and 434 in January, 1981⁽⁸⁹⁾, with initial corresponding increases in the number of Questions tabled, as Table 2 illustrates. Less obviously, perhaps, Parliament's work quota also shot up, as Table 3 indicates, thus reducing the relative importance of the three hours per session devoted to

⁽⁸⁴⁾ Ibid., p.57.

⁽⁸⁵⁾ Ibid., p.50.

⁽⁸⁶⁾ Ibid., p.50.

⁽⁸⁷⁾ The Luster Report. Doc.1-926/80.

⁽⁸⁸⁾ O.J. Annex n° 1-268, 10.3.81, pp.2-30.

⁽⁸⁹⁾ And in January 1986, with Spanish and Portuguese accession, to 518.

TABLE 2

Questions at Question Time	1979	1980	1981	1982	1983	1984	1985	1986	1987
Commission	329	495	510	472	464	456	584	509	713
Council	132	217	238	214	193	223	283	198	205
Foreign Ministers	41	92	102	119	111	112	138	154	153
Total	502	804	850	805	768	791	1025	861	1071

Source: Forging Ahead, op.cit., 3rd edition.

TABLE 3

Year	N° of Sessions	N° of Days	No of Hours
1977	13	60	362
1978	12	58	376
1979	11	52	354
1980	14	64	430
1981	13	62	439

Source: Forging Ahead, op.cit., 1st Edition.

Question Time. Thirdly, the fact that, of the 410 newly-elected MEPs, only 125 held mandates in their national parliaments⁽⁹⁰⁾ meant that over two-thirds of the members had no other means, in terms of individual rights, of questioning the Commission and the Council. Fourthly, only 77 members of the new parliament had served in the old, thus reducing the general institutional knowledge about the procedure and its intended purpose. A fifth indirect effect on Question Time was the new Parliament's political ambition, particularly in terms of seeking out and consolidating new powers. In the eyes of many new parliamentarians, Question Time was an old and increasingly decrepit procedure, an exotic import, from an alien political system, largely the preserve of a few nationalities, and whose purpose had never been more than vaguely defined.

ii) The 1983 Stuttgart Solemn Declaration

The Declaration on European Union, signed by the ten heads of state and government on 19 June 1983,⁽⁹¹⁾ touched upon the Question Time procedure in two ways. First of all, the declaration confirmed (Article 2.3.2) that the Parliament should debate all matters relevant to European Union, including European Political Cooperation. Secondly, the Declaration asserted that the Commission and the Council would, according to their respective competences, reply to Parliament's written and oral questions. (Article 2.3.3.). The Treaties already foresaw such an obligation on the part of the Commission, and the Council had fully participated in the procedure since the outset. The Stuttgart Solemn Declaration was therefore no more than a formalisation of the preceding status quo; a consolidation, rather than an extension. The Question Time procedure was, meanwhile, becoming steadily more moribund.

iii) The 1985-1986 Reforms

The catalyst for reform came in the form of a motion for a resolution⁽⁹²⁾, tabled by Mr ROGALLA (SOC/D) to the November, 1984, plenary session. The motion called for the introduction of an additional Question Time on topical matters, "as a means of strengthening the supervisory powers of the directly-elected Members of Parliament." Mr ROGALLA was dismissive of the old-style Question Time;

(90) Forging Ahead, 1st edition, op.cit., p.35.

(91) Bull. CE 6-1983, pp. 26-31.

(92) Doc. 2-937/84.

"... in the past Question Time has consisted largely of reading out prepared opinions and statements and has very rarely served to convey to the people of Europe an idea of the interaction between the Community institutions or of the state of progress of the Community's development."(93)

But he clearly didn't object to the principle. His idea was that;

"... this additional Question Time should take the form of a free debate, chaired by the President of Parliament, in which Members of the European Parliament, the Commission and the Council of Ministers would speak briefly to questions concerning the state of progress of European unification."(94)

The motion was referred by the plenary to the Committee on the Rules of Procedure and Petitions for consideration. At its 18 and 19 December 1984 meeting, the Committee decided on an overhaul of all of the Rules of Procedure relating to parliamentary questions, and appointed Mrs. DURY (SOC/B) as rapporteur.

Before the Committee's work had properly got under way, an irritated Mr NEWTON DUNN (ED/UK) proposed an amendment to the Annex II guidelines to the Rules of Procedure to the March, 1985 plenary.(95) He pointed out that;

"... in the February 1985 Plenary, the first twelve questions to the commission had already been carried over from three previous plenaries in November, December and January. The following nine questions had been carried over from two previous plenaries. This made it almost impossible for Members to cross examine the Commission on fresh and topical matters."(96)

Mr NEWTON DUNN's amendment sought to limit the carrying-over of un-answered questions to one time only. This proposal was also referred to the Committee on the Rules of Procedure and Petitions for its consideration.

Work proceeded very slowly, taking two years from the date of the deposition of Mr ROGALLA's original motion for a resolution. Mrs DURY's report(97) was

(93) Ibid.

(94) Ibid.

(95) Doc. 2-1670/84.

(96) Ibid.

(97) Doc. A2-135/86

finally adopted on 13 November 1986⁽⁹⁸⁾. The Committee had taken no less than eight meetings⁽⁹⁹⁾ spread over those two years, to debate and adopt its report. There was an obvious reason for this delay. In February, 1986⁽¹⁰⁰⁾, the Single European Act was adopted. The new procedures established by the Act - particularly the cooperation and assent procedures - entailed a wholesale revision of Parliament's Rules of Procedure. Not surprisingly, reform of an old and increasingly moribund procedure took second place.

That the procedure was becoming increasingly moribund was now beyond doubt. The Committee's report argued that Question Time had;

"... signally failed to fulfil the function for which it was originally created. Questions are out-of-date by the time they come into plenary, question time itself is poorly attended by both members and journalists and the answers given are frequently uninformative or unsatisfactory. Furthermore, the number of questions dealt with during question time is very small."⁽¹⁰¹⁾

On the other hand, the report had a clear view of the advantages of the procedure;

"Question time offers virtually the only opportunity for private Members to bring individual initiatives to plenary without passing through the filtering mechanism of committees, political groups or the Enlarged Bureau and at the same time offers members a means of showing their constituents that they are active on their behalf ...

In addition, the right to put supplementary questions offers a possibility for unscripted dialogue which is not otherwise a major feature of Parliament's proceedings, and possibly an opportunity for extracting a concession or an undertaking from a Commissioner or Minister."⁽¹⁰²⁾

These advantages, it will be noted, accrued to the individual member, the backbencher, rather than the Parliament as a whole. Natural inertia, together with the rights of the backbencher, were becoming powerful allies against fundamental reform. The underlying attitude was that, although the procedure had its shortcomings, it was, from the backbenchers' point of view, one of the few untrammelled rights still available to them.

(98) O.J., 13.11.86, N°2-345, p.140.

(99) 26-27 February, 22-23 May, 23-24 September and 18-19 November 1985; 25-26 February, 17-18 June, 24-25 June, and 13-14 October 1986.

(100) O.J., 29.6.87, N° L 169.

(101) Doc. A2-135/86, p.22.

(102) Ibid., p.19.

A similar attitude was discernible in the Committee's deliberations on Rule 43, relating to Oral Questions Without Debate. Here, too, any Member could table a question on a specific matter;

"The original purpose of this Rule was to enable backbenchers to raise specific points and to obtain an answer. With the introduction of Question Time it may be argued that it has been superseded ..."(103)

Rule 43 was;

"... a survival from a more leisurely era when Parliament's agenda was less crowded than today. Owing to the ever increasing pressure on Parliament's agenda, the enlarged Bureau clearly feels that it can no longer accede to requests by individual Members for questions on specific, perhaps local or technical matters which, having regard to the Rule's provisions on speaking time, may well take up 20 or 30 minutes of Parliament's time."(104)

In other words, a combination of the introduction of Question Time and the Enlarged Bureau's constant tendency to avoid the procedure had made it redundant. Yet the Committee did not propose any amendment to the Rules of Procedure, preferring to leave the individual Member's increasingly academic rights untouched, knowing that the Enlarged Bureau would inevitably divert any such questions to Question Time(105). It was because of this jealous defensiveness of backbenchers' rights (itself a reaction to the increasing centralisation of power in the political groups and the Enlarged Bureau) that, despite the Committee's belief that Question Time was in need of "fundamental reform"(106), no such fundamental reform was proposed.

(103) Ibid., p.18.

(104) Ibid., p.21.

(105) The right still exists in the current Rules of Procedure, under Rule 59.

(106) Doc. A2-135/86, p.22.

As part of her research, the rapporteur visited the House of Commons (March 1985), and her findings were annexed to the Committee's report⁽¹⁰⁷⁾. The underlying assumption of the Committee's deliberations was that Question Time in the European Parliament could be as much of a success as the House of Commons model itself;

"If it is to attract the interest of journalists and the public, question time needs to be more snappy and the Vice-Presidents must be invited to apply the guidelines contained in Annex II to the Rules of Procedure more strictly and uniformly. Your rapporteur noted that in the House of Commons 20-25 questions are answered orally during the 55 minutes of each day's question time, whereas in the European Parliament in the course of one and a half hours of questions to the Commission the maximum number of questions answered in the reference period chosen (January 1984 - September 1985) was 16 but that in January 1985 Parliament got through only 6 questions. The result is a large backlog ...

...Another observation made by your rapporteur during her visit to the House of Commons was that all the questions tabled for a given day's question time were addressed to a single ministry only and therefore were inter-related in their subject matter. This is not the case at present in the European parliament where any subject may be raised at any question time. This of course is a logical consequence of the practice of listing questions in the order in which they are tabled."⁽¹⁰⁸⁾

Mrs DURY identified two factors which, in her opinion, had contributed, *inter alia* to the procedure's lack of success. Both problems, it will be noted, had been present from the very beginning.

"The Commissioner or Minister appearing before Parliament is not always the person responsible for the subject of the question. This factor clearly reduces the value of supplementary questions, since he may quite simply not know the answer or be unable to give an undertaking...

(107) Ibid., Annex I, pp.30-32.

(108) Ibid., p.22.

"As regards questions to the Council and the Foreign Ministers meeting in political cooperation, owing to the nature of those bodies it is unusual for a supplementary question to elicit any information not already included in the minister's prepared reply or otherwise publicly available ..."(109)

Possible solutions were mooted, and some acted upon. With regard to the attendance of appropriate Commissioners or Ministers, for example, the rapporteur felt that the problem could be partly diminished if, first, more use were made of the existing provisions for grouping related questions and, second, provision for Question Times in Committee were established.

The rapporteur recommended two changes to the Rules which were ultimately adopted by plenary. The first, introduction of the possibility for Question Times in Committee, was clearly regarded as something of a panacea at the time, and is dealt with in section (v) below. The second, abolition of the right to carry unanswered questions over from one plenary to the next, had formed the basis of Mr NEWTON DUNN's proposed amendment. He had suggested that questions should be carried over once only, but the Committee decided to abolish the carry-over procedure altogether, hence doing away in one fell swoop with the problem of backlog, and ensuring that all questions would be recently tabled, if not topical.

For the rest, the Committee was obliged to recognise that the problem lay not so much with the content of the Rules, as with their application;

"The Committee considers that adequate rules on grouping and on supplementaries already exist. The problem is that they are not used."(110)

(109) Ibid., pp. 22-23.

(110) Ibid., p. 28.

Apart, therefore, from the two changes mentioned above, the Committee decided not to propose any major amendments to the Rules, but rather to make a series of recommendations contained in a motion for a resolution⁽¹¹¹⁾. There were just three recommendations: that the guidelines on admissibility should be applied more strictly; that the President should use his powers to group related questions; and that the Vice-Presidents should be stricter in their interpretation of the admissibility of supplementary questions when presiding in plenary. Lastly, the resolution invited the Commission and the Council to be more concise in their replies.

The way in which Parliament debated and adopted the report was somehow symptomatic of the whole problematique. After four hours of voting on eight reports on employment policy⁽¹¹²⁾, there was no time left for debate on Mrs DURY's report. Her own introductory speech was cut short, and Commissioner SUTHERLAND was urged to be as brief as possible in his reply. The rapporteur described how she had had to "... strike a balance between the rights of individual Members, the demands and prerogatives of the political groups and Parliament's operating requirements"⁽¹¹³⁾. The result was, in her own words, a "lowest common denominator," but one that had enjoyed the unanimous support of the Rules Committee - no mean achievement.

Commissioner Sutherland recognised these constraints in his reply.

"We can well understand that here as in other areas of procedural reform a balance has to be kept between efficiency on the one hand and the rights of the individual Members on the other. Indeed, questions are par excellence the domain of the individual Member. We therefore understand that the report is a compromise representing a useful tidying up job, which will provide some streamlining of the various procedures for parliamentary questions. I would be less than honest if I did not say that it is something that needs reform and needs to be changed in terms of efficiency. Above all, the agenda will no longer be clogged with long outdated questions. This would be a great improvement."⁽¹¹⁴⁾

⁽¹¹¹⁾ Doc. A2-T35/86, p.15. O.J., 15.12.86, N° C 322/174.

⁽¹¹²⁾ O.J., 11.11.86, N° 2-345, pp 71-72.

⁽¹¹³⁾ Ibid., p.71.

⁽¹¹⁴⁾ Ibid., p.72.

Voting on the report itself was preceded by a procedural wrangle⁽¹¹⁵⁾.

Two other aspects of the DURY report may be noted. First, a statistical study was undertaken in relation to the report. However, the period studied (January 1984 - September 1985) and the level of aggregation involved proved little other than that the numbers of questions to the Commission, the Council and the Foreign Ministers were on the increase⁽¹¹⁶⁾. Second, in addition to Rule 43 (Questions without debate), the DURY report identified another dormant "survival from a more leisurely era". This was Rule 45, which provided for a debate following Question Time on "a specific matter of general and topical interest." A debate of this kind, Mrs DURY reported, might "be envisaged where a question raises a topical matter of extreme importance, or where the answer of the institution replying is so inadequate or unsatisfactory as to justify Parliament's pursuing the matter in this way."⁽¹¹⁷⁾ The Rule had not been used "for some considerable time." Nevertheless, she recommended "its retention as a valuable instrument enabling Parliament to react immediately to an unsatisfactory answer."⁽¹¹⁸⁾

A banal reason for the current redundancy of this Rule has much to do with the 'slot' traditionally allotted to Question Time to the Commission in Parliament's agenda. Since it is usually held at the end of the Parliamentary day, no services - particularly interpretation - would be available were a request for a debate to be held. It would appear that a tacit agreement has been reached between at least the larger political groups, probably in view of the ever-increasing pressure on Parliament's agenda, that such requests will not be made. Such an agreement could not exclude the possibility of seven members calling for a debate, and it is a moot point as to what would then occur. According to Rule 45, or Rule 61 as it now is, "the decision as to whether to hold a debate on request shall be taken by the President only at the close of Question Time and shall not be subject to debate." Presumably, faced with an impending absence of interpretation, a President would have no choice but to refuse. Of course, the 'slot' for Question Time could be changed. In the meantime, Rule 61 continues to hover ethereally in the Rules of Procedure, as a sort of very distant sword of Damocles.

(115) O.J., 13.11.86, N° 2-345, pp. 140-141.

(116) Doc. A2-135/86, p.23 and Annex III.

(117) Ibid., p.19.

(118) Ibid., p.23.

iv) 1979-1989; Statistics(119)

In his 1979 study of Question Time⁽¹²⁰⁾ Cohen took one plenary session (April) in each year from 1976 to 1979, and examined in greater detail the exact nature of parliamentarians' participation. His findings, partly considered in Section IV, are easy to summarise; British members tabled the most questions and asked the most supplementary questions.

This section reports on a similar analysis of Question Times from 1979 to 1989. May was chosen as a 'typical' month, there being no special processes, such as the debates and votes on, for example, the Commission's programme (January), agricultural prices (April), or the budget (October, December).

The results of the survey are summarised in tables Cohen found it instructive to look not only at the number of questions tabled in advance, but also at the number of supplementary questions asked during the procedure itself.⁽¹²¹⁾ The current study goes one step further by breaking down tabled and supplementary questions according to the institution to which they were addressed (see tables 4 to 12).

The most obvious and important finding is that British members continued to dominate the procedure; they tabled by far the most questions and asked more supplementaries than any other national grouping. Several reasons for this prevalence have already been discussed in Section IV. Another, perhaps the most important, was enunciated by Mrs DURY in the 1986 debate;

"I must add - and do so without fear of contradiction - that when we ask the Commission questions, it is generally to show our constituents that we are concerning ourselves with their problems or with certain categories of problems ..."(122)

Few would argue that British members are particularly constituency conscious. The only way, apart from a passing reference in a speech, that a backbencher can manifest active concern for his constituency in plenary is to table a question to Question Time and ask a supplementary. Exactly the same principle applies to

(119) Mr Paolo Corti, stagiaire in the Secretariat General of the Commission of the European Communities from October 1989 to February 1990, researched and compiled the statistical data and tables in Section V (iv).

(120) Cohen, op.cit., pp.51-55.

(121) Ibid.

(122) O.J., 11.11.86, N° 2-345, p.71.

the even more impressive participation of Irish members (see below). As noted in Section IV, British members tend to bunch their supplementaries, perhaps because of teamwork, but most probably because more of them tend to be in the Chamber and are ready to engage in Westminster-style knock-about. Lastly, Table 12 shows that, on average, a higher proportion of British members received oral replies to their questions. This implies better preparedness and/or a willingness to forego topicality in order to be sure of receiving an oral answer; almost the exact opposite of the Italian members' attitude (see below).

Between 1980 and 1984, French levels of participation were high, second only to the British, tabling an average of 14.5 questions per session, though participation in supplementaries was lower. After 1985, however, French parliamentarians seemed suddenly to lose interest in the procedure, and the 1980 to 1984 average of 14.5 questions tabled was reduced to just 4.25 thereafter. After 1984, indeed, 10 French questions were tabled to Foreign Ministers, and just 4 (2 in 1985 and 1988) to the Council. Clearly, the new 1984 intake of French members was less than enamoured of the procedure, and there would appear to have been a collective judgement that questions to the Council and EPC were not worthwhile. There was a similar decline in the number of French supplementaries asked, from a high of 14 in 1982 to just 1 in 1987 and none at all in 1988. This decline is more easily explained; fewer questions were being tabled by French members, so fewer were present in the chamber to ask supplementaries.

Since its arrival in 1981, the Greek contingent, with just 24 members, has tabled a disproportionately high number of questions, both overall (4 in 1981, 3 in 1982, and thereafter an average of 12, second only to the number tabled by British members), and particularly with regard to EPC, where Greek members tabled an average of over 3 questions per session (slightly more than British members). Some of this high rate of activity can be explained by the enthusiastic participation of individual members - Mr EPHEREMIDIS (COM) and ALAVANOS (COM) have been outstanding - but a more general explanation is the particular and continuing Greek interest in the Community's relations with certain Mediterranean and Baltic States. Greek parliamentarians were also disproportionately represented among supplementary questions where, it should be borne in mind, members are restricted to asking one supplementary per question. Given the relatively small size of the Greek contingent, such figures indicate a considerable degree of "teamwork".

The record of participation of the Irish contingent, with just 15 members, is similarly impressive, with an average of 7 questions tabled per session. Here, the high participation rate can most probably be explained by the constituency principle referred to above.

Other smaller national contingents with above-average participation in both tabled questions and supplementaries were Denmark, with 16 members and an average of 4.5 questions tabled, and Belgium, with 24 and 6.5 respectively. Since its arrival in January, 1986, the Spanish contingent has been fairly well-represented (6 questions tabled in 1986, 8 in 1987, 12 in 1988). However, many of the questioners were members of the Partido Popular, and hence of the European Democratic Group, and it could be supposed that some of the questioning fervour of British Conservative members had rubbed off on their Spanish colleagues. It remains to be seen whether, now that the Partido Popular has left the EDG for the European People's Party, Spanish participation will continue at such a level.

Two of the larger national groupings exhibited very low levels of participation. The 81 German members between them tabled an average of 5.5 questions and demonstrated an equivalent level of participation in supplementary questioning. The 81 Italian members boasted an even lower average, 4.5, of questions tabled, and had not asked a single supplementary question since 1982, which would seem to suggest that the few Italian members who used the procedure regarded it exclusively as an express answering machine.

Lastly, it should be noted that the Portuguese contingent (24 members) had, since 1986, tabled a steady trickle of 1 or 2 questions per session, and that the Luxembourg contingent, with just 6 members, had completely abstained from the procedure.

Weighted and absolute participation by political group was also examined (statistics not shown here). Membership of political group was, it was found, a poor explanatory factor, and relative participation levels could be almost entirely explained by reference to their composition by national groupings. Hence, a relatively high 'score' for the Socialist Group could be largely explained by its contingent of British Labour members, and a relatively low 'score' for the EPP Group by the absence of any British members. A very high score for the EDG could obviously be explained by the large number of British Conservative members within it. Similarly, a high 'score' for the EDA Group could be explained by the large number of Irish Fianna Fail members it contained together with the presence of Mrs EWING, the sole Scottish Nationalist MEP, and a particularly enthusiastic user of the procedure.

In conclusion, relative levels of participation could be almost entirely explained by nationality and, with a few exceptions (Spanish members of the EDG, for example), group membership was almost completely irrelevant. As to the findings themselves, nationalities could clearly be divided into those less or more interested in the procedure, with some losing (e.g., France) and some gaining (e.g., Greece) interest over the years under study. If the British have continued to dominate the procedure overall, the Greeks have come to play an equally important role with regard to EPC, and smaller Member States - Belgium, Denmark, and Ireland - have made important overall contributions. However, three of the four largest contingents - the French, Germans and Italians - have participated only minimally. Overall participation is very imbalanced, and the single most important explanatory factor identified is, quite simply, the electoral system used.

v) Question Time in Committee

According to the DURY report, the innovation of holding Question Times in Committee was first tried on an experimental basis in the Legal Affairs Committee in 1978(123), and was thereafter "considered from time to time by other committees." (124) In June 1985, British members of Parliament's Committee on Economic and Monetary Affairs and Industrial Policy called for the introduction of a regular Question Time in committee, devoted particularly to the current economic situation.

Following an exchange of letters between the Chairman of the committee, Dr SEAL, and President DELORS (June and September 1985), the Committee held its first Question Time in its 28-30 January 1986 meeting.

Perhaps also because President DELORS had previously been Chairman of the same Committee, the Commission's attitude was open and positive. Nevertheless, the Commission did lay down a number of conditions for the participation of its officials. Questions were to be strictly factual and of a topical nature, and clearly related to the economic situation and in particular to current indicators. The Commission itself would decide on the admissibility of questions put to it, and there was a strict understanding that replies given by officials during such Question Times could not engage the Commission politically.

(123) PE 55.716/BUR.

(124) Doc. A2-135/86, p.27.

The first Question Time in Committee was preceded by a short debate during which members expressed their dissatisfaction on several scores. For practical, procedural reasons (sufficient time for the Commission to judge the admissibility of questions, alert the appropriate officials and prepare its replies), Question Time was held late on the last day of the Committee's meeting which meant that it would invariably be ill-attended. But parliamentarians' more substantive objections related to the conditions laid down by the Commission. They were frustrated by the limitation to economic and monetary matters only, by the formal nature of proceedings, and by the explicit exclusion of political dialogue which was, in their view, the raison d'être of the procedure. All this having been said, parliamentarians expressed some satisfaction at the informative outcome of the first Question Time.(125)

Frustrations came to the fore in the committee's second Question Time, (24-26 February 1986) when the Commission unilaterally ruled, using rights established by the exchange of letters, two questions inadmissible. Similar frustrations were vented at the third Question Time (19-21 March 1986), and no questions at all were tabled to the fourth and the fifth. In the meantime, Dr SEAL had written to the Commission,(126) asking if the scope of the procedure could not be extended, but in his reply(127) President DELORS was unforthcoming, stressing the exceptional nature of the procedure that had been agreed.

In a vague way, Parliamentarians hoped the DURY reforms would somehow overcome these frustrations. Mrs DURY's logic was clear. Question Time in Committee would give "... members an opportunity to cross-examine Members of the Commission and perhaps Ministers in a less formal way and outside the time constraints of Question Time in plenary."(128) She saw it as a way of guaranteeing the presence of the appropriate, competent, Commissioner or Minister(129);

"We very often ask Commissioners questions on subjects which do not fall within their special field, whereupon they read replies prepared by their departments. We cannot obviously, expect the various Commissioners to be experts on everything. Often also, the answers that we receive are banal and lacking in substance. I call for us to be able to ask questions in committee of Commissioners who specialize in the relevant subjects."(130)

(125) Questions related to the Group of Five, Sterling and ERM, the drop in petrol prices, and statistical information.

(126) February 1986.

(127) April 1986.

(128) Doc. A2-135/86, p.27.

(129) Ibid, p.22.

(130) O.J., 11.11.86, N° 2-345, p.71.

The result of the Rules Committee's deliberations was simple, to make provision in the Rules of Procedure for Committees to hold Question Times if they so wished, and Mrs DURY's report tabled an amendment accordingly. Though it amounted to nothing more than an admission of what had already been happening, it was presumably felt that explicit provision would somehow encourage Committees to go ahead. The rapporteur had clearly been under pressure from the Commission not to go much further as Mr SUTHERLAND made clear in the plenary debate;

"Question Time in committee has been the subject of much discussion in your committee and indeed in the Commission. We are not at all opposed to the principle. Our concern has been to ensure a degree of flexibility. The text of the new Rule 102(a) now before the House seems entirely satisfactory in that regard. Under its umbrella the committees will no doubt work out their own arrangements with the Commission and that, of course, is excellent."(131)

The amendment adopted by the plenary could not have been more flexible;

"Question time may be held in committee if a committee so decides. Each committee shall decide its own rules for the conduct of question time."(132)

In the event, no committee immediately took up the idea. In the Economic and Monetary Affairs Committee, meanwhile, frustration at the Commission's rulings on admissibility was growing. The debate occasioned by the adoption of the new rule led the Committee to conclude (February, 1987), that its interests could best be served by regularly inviting, and questioning, competent Commissioners. Question Time was left on the Committee's agenda for a while thereafter, but no more questions were tabled. Ultimately, the procedure was allowed to slip out of sight, forlorn and forgotten.

The Committee's decision showed up a fundamental flaw in the Question Time in Committee idea; political debate with the Commission can only ever take place at the level of the Commissioners. Question Time in Committee might be useful for the debate of technical matters not currently the subject of a Commission proposal, for example, and Commission officials can and frequently do give parliamentary committees off-the-record indications of the Commission's political position, but only a Commissioner can give political undertakings and take political stands. Realising this, the Committee on Economic and Monetary Affairs has concentrated, very successfully, on regular exchanges with the seven Commissioners whose competences fall more or less frequently within its remit.

(131) Ibid., p.72.

(132) Doc. A2-135/86, p.9.

Until recently, it seemed that Question Time in Committee had become another anachronism in the Parliament's Rules of Procedure. In November, 1989, however, the Committee on the Environment, Public Health and Consumer Protection decided to replace the traditional item "follow-up to Parliament's opinions" on its agenda by Question Time to the Commission. In another exchange of letters, though this time at secretariat level, the Commission agreed to participate on the same terms and under the same conditions as had been listed in the 1985 SEAL-DELORS exchange of letters. Exactly the same sentiments of frustration were voiced by parliamentarians when, on the first occasion that Question Time was held in the Committee, Commission officials reiterated the conditions under which they were to participate.

The new experiment had two advantages over its predecessor; first, questions were submitted in advance of the meeting, thus allowing the Commission more time to consider and prepare its responses and, second, the committee seemed implicitly to accept that there would be an inevitable trade-off between the degree of detail desired and the level of the official concerned. Notwithstanding these immediate advantages, the procedure rapidly fell into disuse, and it remains to be seen whether it, too, will slip permanently off the agenda. Most probably it will be reactivated from time to time to deal with specific concerns.

It is probable, too, that the idea will surface sporadically in other Committees. For example, two British MEPs recently called for the introduction of a regular Question Time in the Committee on Development and Cooperation.⁽¹³³⁾ In reply to their questions the Committee Chairman, Mr SABY (SOC), was instructive, since he asked the MEPs to make use of another regular agenda item; "information from the Commission."

Thereby hangs the tale for, once shorn of the formality and atmosphere of the parliamentary chamber, Question Time amounts to little more than a detailed exchange (with a Commission official) by another name, and such detailed exchanges with Commission officials are in any case the very meat and drink of Committee meetings. Procedurally, there might be slight differences, but few advantages. Indeed, as the Economic and Monetary Affairs Committee had learnt earlier, Commission officials could be actually more constrained by the Question Time procedure.

(133) In the Committee's meeting of 27 and 28 February and 1 March 1990. The MEPs concerned were Mrs BUCHAN (SOC) and Mrs DALY (ED).

vi) 1986 Onwards; the Balance Sheet

Even the procedure's best friends would have to admit that, if not actually down yet, Question Time is constantly on the ropes, and likely to remain there. Its precise role and exact relation to Parliament's other questioning functions remain ill-defined. The procedure is disproportionately used by some nationalities, is generally poorly attended and poorly reported, and is poorly regarded by Parliament's Bureau, which has transformed Question Time into a moveable feast, with obvious knock-on effects for the good humour of the other institutions involved. Yet somehow, despite the ever-increasing pressure on Parliament's plenary agenda, the procedure survives. It does so primarily by a thin, but extremely tough thread - the rights of the backbencher. (Short of continuously raising points of order - a technique skillfully exploited by the Italian Radical MEP, Mr PANELLA, there are very few sure ways in which a member can have the floor to himself without going through the political groups. Question Time is one of those ways.) It is these rights which explain, to a considerable degree, why Mrs DURY's 1986 recommendations were never properly enacted.

The first recommendation was for stricter application of the guidelines governing admissibility, but it is not the Bureau, or Enlarged Bureau - corporate, collegiate bodies that can make unpopular decisions with relative impunity - that must decide on admissibility. This pleasure falls to the President - in reality, to the President's cabinet. Ruling a question inadmissible will rarely be a popular act, and never for the backbencher who tabled it. It is not surprising, therefore, that negative rulings on admissibility are relatively infrequent.

The second recommendation was that the President should make more frequent use of the power conferred on him by the Rules to group questions according to subject. This power is used, but sparingly. Again, grouping questions is a potentially unpopular act as far as individual MEPs are concerned, since it will inevitably lessen the probability of other questions, tabled earlier, receiving an oral reply. The only system perceived to be entirely fair is to strictly follow the order in which questions were tabled. Not surprisingly, successive President's cabinets have generally tended to opt for this chronological system, its great advantage being that it is entirely incontestable.

The third, final recommendation in the DURY Report was;

"that as a general rule the President should allow one supplementary question from the questioner and one or at most two supplementaires put by a Member belonging preferably to a different political group and/or Member State from the author of the main question; recalls that supplementary questions must be concise and interrogatory in form and suggests that their duration should not exceed 30 seconds."(134)

The first part of the recommendation is slightly puzzling, since the Rules already forbade more than one supplementary per question per member, and it must be assumed that Presidents had not been applying the Rule strictly enough. It has certainly been respected since. As to the number, spread, and content of supplementaries, rulings from the Chair continue to differ considerably, and it is clear why this should be so. There are 14 Vice-Presidents of the Parliament, and these change every two and a half years. Not surprisingly, styles and attitudes to admissibility differ considerably. Furthermore, a very strict application of the Rules is not in the procedure's best interests. The best Chairmen, like the best football and rugby referees, are those who, so to speak, judiciously apply the "advantage rule" (allowing play to continue after a foul has continued to see if an advantage develops), ensuring a continuous flow of debate.

Another perceived constraint on the flow of debate and, equally importantly, on the number of questions that could be answered orally, was the length of the institutions' replies, hence the invitation to the Commission, Council and Foreign Ministers to ensure that "answers are concise and relevant to the subject of the question."(135) In fact, the Council and the Foreign Ministers were more likely to be criticised for making their answers too short; the Commission was the sinner Parliament chiefly had in mind. The Commission's tendency to give inordinately lengthy replies is largely explained by the system under which replies are prepared. Commissioners are in the hands of their services, and where an over-zealous administrator in a Directorate General has indulged in too much detail, hierarchical superiors are unlikely to make dramatic alterations. The length of replies to supplementaries depend very much on the idiosyncracies of individual Commissioners. Here, there is an element of having the cake and eating it too in Parliament's criticisms; a detailed answer can

(134) Doc. A2-T35/86, p.15.

(135) Ibid.

simultaneously please the questioner and displease a parliamentarian whose question has not yet been reached. Lastly, there has been a traditional, respectful timidity on the part of Parliament's Vice-Presidents, so that loquacious Commissioners are rarely called to order or told to cut their answers short.

The DURY Report recognised the link between delays in providing written answers and the use of Question Time as an "express service" (see Section V.iv)). It called upon the institutions to appeal to the criteria of admissibility more frequently, and "to respect the time limits for replies to written questions contained in Rule 46(3)."(136)

Conversations with the institutions' services reveal three criticisms of these recommendations. First, application of Parliament's Rules of Procedure must primarily be a matter for the Parliament itself. Thus, to call upon the other institutions to apply the Parliament's criteria regarding admissibility is to 'pass the buck'. On the other hand, given the unpopularity of negative rulings on admissibility, it is understandable that Parliament's services prefer to err on the liberal side.

Second, the deadline of one month foreseen in Rue 46(3) (now Rule 62.) was unilaterally imposed by the Parliament and, given the sheer volume of questions tabled (see Table I), has become increasingly unrealistic.

Third, because of the different nature of the written question procedure and, in particular, the need for translation and collegiate approval by the Commission or the Council, it is impossible for written replies to be provided more quickly than answers in Question Time. In other words, the written question procedure could never be speeded up sufficiently to deter MEPs from 'misusing' the Question Time procedure as an express service.

Two additional observations can be made. First, the sanction for not respecting the time limit foreseen in Rule 46(3) - publication in the OJ - is now so commonplace that it is not really a sanction at all. Second, the statistics in Section V.iv) would seem to suggest that misuse of this sort is actually restricted to a few MEPs of a few nationalities. In any case, given that written answers will never be provided quicker, it is a moot point as to whether this practice is actually a misuse.

(136) Ibid.

As was observed earlier, the procedure would appear to be on the ropes, and the balance sheet suggests a poor prognosis. The procedure's purpose remains ill-defined, and it overlaps confusingly with others. It is heavily dependent on the qualitative cooperation of the other institutions. It necessarily lacks a party political dimension, so that disputes take place on a neutral, vertical, inter-institutional basis, rather than the horizontal, adversarial method of the Westminster model its founders sought to emulate. The need for interpretation, lengthy replies or supplementary questions, differing interpretations from the Chair, and different political cultures all slow the pace. Parliament's increasing powers in other areas have led to an erosion in the procedure's relative importance. Increasing pressure on the Parliamentary agenda, the procedure's *sui generis* independence from the Enlarged Bureau and its relative unimportance have meant that it is the first to be switched about when changes to the agenda occur. The procedure remains alien to several national groupings in the Parliament, and they, together with most journalists, largely shun it. Lastly, because of procedural inertia and the political costs involved, the procedure remains stubbornly inflexible and closed to major change. Many of those political costs would involve thwarting the fiercely-defended interests of backbenchers emanating chiefly from those national groupings culturally familiar with such procedures and/or elected under some sort of constituency-based system.

'Across the wire the electric message came,
"He is no different, he is much the same."' (137)

Will the lines quoted above be just as apt in the year 2000 as they are in 1990? The end of this year will see an intergovernmental conference consider further amendments to the Treaties. These will most probably have far-reaching repercussions on Parliament's powers and procedure, necessitating some sort of revision of the Rules of Procedure in 1991. Will this revision provide an opportunity to reform the Question Time procedure and, if so, what sort of reforms might usefully be considered? Or will it once again be pushed to the side, as it was during the 1986 reforms?

(137) Apocryphally attributed to Alfred Austin, one time British poet laureate, on the state of health of the Prince of Wales.

TABLE FOUR

Oral Questions tabled to all three institutions, by year*

Year	Total	Ranked Totals
1980	68	UK:29, FR:16, B:5, IRE:5, IT:5, NL:5, D:2, DK:1.
1981	70	UK:31, FR:19, B:4, GR:4, IT:4, DK:3, IRE:3, D:2.
1982	62	UK:27, FR:10, IRE:7, DK:5, B:4, D:3, GR:3, NL:2, IT:1.
1983	85	UK:25, FR:16, D:12, GR:11, IRE:7, DK:6, IT:4, B:3, NL: 1.
1984	72	UK:24, B:11, FR:11, D:9, GR:7, DK:4, IRE:3, NL:2, IT:1.
1985	85	UK:21, IRE:16, GR:14, B:10, IT:10, DK:8, FR:8, D:7.
1986	63	UK:18, GR:13, IRE:9, NL:6, SP:6, D:5, DK:4, B:3, IT:3, FR:1, P:1.
1987	81	UK:19, GR:11, IRE:8, IT:8, NL:8, SP:8, B:6, DK:4, D:4, FR:3, P:2.
1988	90	UK:27, GR:16, B:12, SP:12, DK:5, FR:5, IRE:5, D:4, IT:4, NL:3, P:2.

*i.e., in May only

TABLE FIVE

Oral Questions tabled to the Commission, by year*

Year	Total	Ranked Totals
1980	37	UK:18, FR:8, NL:4, IT:3, B:2, DK:1, D:1.
1981	47	UK:20, FR:13, IT:4, DK:3, GR:3, IRE:2, B:1, D:1.
1982	43	UK:19, FR:7, DK:5, IRE:5, B:2, D:2, GR:1, IT:1, NL:1.
1983	52	UK:19, FR:10, IRE:7, D:5, GR:5, DK:3, IT:2, B:1.
1984	39	UK:14, FR:6, B:5, D:5, GR:4, IRE:2, DK:1, IT:1, NL:1.
1985	48	UK:14, IRE:7, FR:6, IT:6, GR:5, B:4, DK:3, D:3.
1986	37	IRE:7, UK:7, DK:4, D:4, GR:4, SP:4, IT:2, NL:2, B:1, FR:1, P:1.
1987	53	UK:10, GR:8, IRE:7, SP:5, DK:4, D:4, IT:4, NL:4, FR:3, B:2, P:2.
1988	66	UK:19, GR:9, SP:9, B:8, D:4, IRE:4, DK:3, FR:3, IRE:3, NL:2, P:2.

*i.e., in May only

TABLE SIX

Oral Questions tabled to the Council, by year*

Year	Total	Ranked Totals
1980	25	UK:8, FR:7, B:3, IRE:3, IT:2, D:1, NL:1.
1981	19	UK:9, FR:6, B:2, D:1, GR:1.
1982	11	UK:5, FR:2, IRE:2, B:1, NL:1.
1983	21	D:6, FR:5, GR:3, UK:3, DK:2, B:1, IT:1.
1984	19	UK:7, B:4, D:3, FR:3, DK:1, GR:1.
1985	32	IRE:8, GR:5, UK:5, B:4, DK:3, IT:3, D:2, FR:2.
1986	23	UK:7, GR:6, NL:3, IRE:2, SP:2, B:1, D:1, IT:1.
1987	16	UK:7, NL:3, SP:2, B:1, GR:1, IRE:1, IT:1.
1988	17	GR:4, UK:4, B:2, FR:2, SP:2, DK:1, IRE:1, IT:1.

*i.e., in May only

TABLE SEVEN

Oral Questions tabled to EPC, by year*

Year	Total	Ranked Totals
1980	4	UK:3, FR:1.
1981	4	UK:2, B:1, IRE:1.
1982	8	UK:3, GR:2, B:1, D:1, FR:1.
1983	12	GR:3, UK:3, B:1, DK:1, D:1, FR:1, IT:1, NL:1
1984	13	UK:3, B:2, DK:2, GR:2, FR:2, D:1, NL:1.
1985	14	GR:4, B:2, DK:2, D:2, UK:2, IRE:1, IT:1.
1986	10	UK:4, GR:3, B:1, IRE:1, NL:1.
1987	12	B:3, IT:3, GR:2, UK:2, NL:1, SP:1.
1988	12	UK:4, GR:3, B:2, DK:1, NL:1, SP:1.

*i.e., in May only

TABLE EIGHT

Total supplementary questions to all three institutions*

Year	Total	Ranked Totals
1980	41	UK:26, NL:7, D:4, IT:2, DK:1, FR:1.
1981	71	UK:45, D:9, FR:7, NL:6, B:2, GR:1, IT:1.
1982	60	UK:27, FR:14, D:11, IT:3, DK:2, B:1, GR:1, IRE:1.
1983	50	UK:21, D:10, GR:8, FR:5, DK:4, NL:2.
1984	33	UK:20, FR:4, B:3, D:2, GR:2, NL:2.
1985	43	UK:17, FR:9, IRE:7, D:4, B:1, DK:1, NL:1.
1986	37	UK:16, D:6, IRE:6, GR:4, NL:3, B:1, FR:1.
1987	38	UK:21, B:5, GR:5, D:3, DK:1, FR:1, P:1, SP:1
1988	40	UK:22, IRE:4, B:3, D:3, GR:3, DK:2, NL:2, SP:1.

*May only, and not including authors' supplementaries

TABLE NINE

Total supplementary questions to the Commission*

Year	Total	Ranked Totals
1980	20	UK:15, NL:3, DK:1, FR:1.
1981	27	UK:16, FR:5, D:2, NL:2, GR:1, IT:1.
1982	27	UK:15, D:7, FR:3, DK:1, IRE:1.
1983	25	UK:12, FR:5, GR:4, D:2, NL:2.
1984	20	UK:12, B:2, FR:2, GR:2, D:1, NL:1.
1985	18	UK:7, IRE:5, FR:3, B:1, DK:1, NL:1.
1986	11	UK:8, IRE:2, FR:1.
1987	15	UK:8, D:3, B:2, FR:1, P:1.
1988	13	UK:7, B:2, DK:1, D:1, IRE:1, NL:1.

*May only, and not including authors' supplementaries

TABLE TEN

Total supplementary questions to the Council*

Year	Total	Ranked Totals
1980	14	UK:8, D:2, IT:2, NL:2.
1981	34	UK:26, D:4, NL:4.
1982	23	UK:9, FR:7, IT:3, D:2, B:1, DK:1.
1983	23	D:7, UK:7, FR:4, GR:4, DK:1.
1984	9	UK:6, B:1, D:1, NL:1.
1985	14	UK:8, FR:3, D:1, GR:1, IRE:1.
1986	17	UK:5, D:4, IRE:4, GR:2, B:1, NL:1.
1987	11	UK:10, B:1.
1988	21	UK:12, IRE:3, D:2, B:1, DK:1, GR:1, NL:1.

*May only, and not including authors' supplementaries

TABLE ELEVEN

Total supplementary questions to EPC*

Year	Total	Ranked Totals
1980	7	UK:3, D:2, NL:2.
1981	8	D:3, UK:3, B:2.
1982	10	FR:4, UK:3, D:2, GR:1.
1983	6	DK:3, UK:2, D:1.
1984	4	FR:2, UK:2.
1985	11	D:3, FR:3, GR:2, UK:2, IRE:1.
1986	9	UK:3, D:2, GR:2, NL:2.
1987	9	GR:4, UK:3, B:2.
1988	5	UK:3, GR:2.

*May only, and not including authors' supplementaries

TABLE TWELVE

Questions taken orally, as a percentage of all questions tabled

Year:	1980	1981	1982	1983	1984	1985	1986	1987	1988
UK Members									
Total number of questions tabled:	29	31	27	25	24	21	18	19	27
Percentage taken orally:	48%	48%	70%	8%	37%	28%	39%	26%	33%
All others									
Percentage taken orally:	25%	38%	32%	40%	27%	24%	32%	46%	28%
Total number of questions tabled:	39	39	34	60	47	73	52	61	68



EUI WORKING PAPERS

**EUI Working Papers are published and distributed by the
European University Institute, Florence**

**Copies can be obtained free of charge – depending on the availability of
stocks – from:**

**The Publications Officer
European University Institute
Badia Fiesolana
I-50016 San Domenico di Fiesole (FI)
Italy**

Please use order form overleaf

Publications of the European University Institute

To The Publications Officer
European University Institute
Badia Fiesolana
I-50016 San Domenico di Fiesole (FI)
Italy

From Name

Address

.....

.....

.....

.....

- ☐ Please send me a complete list of EUI Working Papers
- ☐ Please send me a complete list of EUI book publications
- ☐ Please send me the EUI brochure Academic Year 1990/91

Please send me the following EUI Working Paper(s):

No, Author
Title:

No, Author
Title:

No, Author
Title:

No, Author
Title:

Date

Signature

Working Papers of the European Policy Unit

85/172

Elfriede REGELSBERGER/ Philippe DE SCHOUTHEETE/ Simon NUTTALL/
Geoffrey EDWARDS
The External Relations of European Political Cooperation and the Future of EPC *

85/183

Susan SENIOR NELLO
East European Economic Relations: Cooperation Agreements at Government and Firm Level *

85/184

Wolfgang WESSELS
Alternative Strategies for Institutional Reform *

85/191

Patrick KENIS
Industrial Restructuring. The Case of the Chemical Fibre Industry in Europe *

85/202

Joseph H.H. WEILER
The Evolution of Mechanisms and Institutions for a European Foreign Policy: Reflections on the Interaction of Law and Politics

85/203

Joseph H.H. WEILER
The European Court, National Courts and References for Preliminary Rulings - The Paradox of Success: A Revisionist View of Article 177 EEC

86/248

Francesc MORATA
Autonomie régionale et intégration européenne: la participation des régions espagnoles aux décisions communautaires

87/261

Odile QUINTIN
New Strategies in the EEC for Equal Opportunities in Employment for Men and Women

87/295

Luciano BARDI
Preference Voting and Intra-Party Competition in Euro-Elections

88/346

Elisio ESPA
The Structure and Methodology of International Debt Statistics

88/347

Francesc MORATA/ Jaume VERNET
Las Asambleas regionales en Italia y España: Organización institucional y reglas de funcionamiento *

88/349

Massimo PANEBIANCO
Inter-Regional Co-Operation in the North-South Dialogue. Latin America and the European Community

88/350

Gregorio ROBLES
La Cour de justice des CE et les principes généraux du droit

88/355

The Future Financing of the EC Budget: EPU Conference 16-17 October 1987
Summary of Conference Debates and Abstracts of Selected Interventions

89/371

Klaus-Dieter STADLER
Die Europäische politische Zusammenarbeit in der Generalversammlung der Vereinten Nationen zu Beginn der Achtziger Jahre

89/405

Giandomenico MAJONE
Regulating Europe: Problems and Prospects

89/406

Fabio SDOGATI
Exchange Rate Fluctuations and the Patterns of International Trade: A Study of the Flow of Trade from Newly Industrialized Countries to the European Community at the Industry Level

89/407

Angela LIBERATORE
EC Environmental Research and EC Environmental Policy: A Study in the Utilization of Knowledge for Regulatory Purposes

89/408

J.-Matthias Graf von der SCHULENBURG
Regulation and Deregulation of Insurance Markets in the Federal Republic of Germany

89/409

Greg KASER
Acceptable Nuclear Risk: Some Examples from Europe

89/410

Léonce BEKEMANS/ Manfred GLAGOW/ Jeremy MOON
Beyond Market and State. Alternative Approaches to Meeting Societal Demands

89/411

Erich KAUFER
The Regulation of Drug Development: In Search of a Common European Approach

89/421

Ester STEVERS

Telecommunications Regulation in the European
Community: The Commission of the European
Communities as Regulatory Actor

EPU No 90/1*

Renaud DEHOUSSE/Joseph H.H. WEILER

EPC and the Single Act:

From Soft Law to Hard Law?

EPU No 90/2

Richard N. MOTT

Federal-State Relations in U.S. Environmental Law:
Implications for the European Community

EPU No 90/3

Christian JOERGES

Product Safety Law, Internal Market Policy
and the Proposal for a Directive
on General Product Safety

EPU No 90/4

Martin WESTLAKE

The Origin and Development
of the Question Time Procedure
in the European Parliament

* Please note: As from January 1990, the
EUI Working Papers Series is divided into
six sub-series, each series will be numbered
individually (e. g. EUI Working Papers
LAW No. 90/1)

EUI Working Papers as from 1990

As from January 1990, the EUI Working Papers Series is divided into six sub-series, each series will be numbered individually (e.g. EUI Working Paper LAW No 90/1).



July 1990

Working Papers in Law

LAW No. 90/1

David NELKEN

The Truth about Law's Truth

LAW No. 90/2

Antonio CASSESE/Andrew

CLAPHAM/Joseph H.H. WEILER

1992 – What are our Rights?

Agenda for a Human Rights

Action Plan

Working Papers in European Cultural Studies

ECS No. 90/1

Léonce BEKEMANS

European Integration and

Cultural

Policies. Analysis of a Dialectic

Polarity

ECS No. 90/2

Christine FAURE

Intellectuels et citoyenneté

en France, de la révolution

au second empire (1789-1870)

Working Papers of the European Policy Unit

EPU No. 90/1

Renaud DEHOUSSE /Joseph H.H.

WEILER

EPC and the Single Act:

From Soft Law to Hard Law?

EPU No. 90/3

Christian JOERGES

Product Safety Law, Internal

Market Policy and the Proposal

for a Directive on General

Product Safety

EPU No. 90/2

Richard N. MOTT

Federal-State Relations in

U.S. Environmental Law:

Implications for the European

Community

EPU No. 90/4

Martin WESTLAKE

The Origin and Development

of the Question Time Procedure

in the European Parliament

Working Papers in Economics

ECO No. 90/1

Tamer BASAR/Mark SALMON
Credibility and the Value of
Information Transmission in a
Model of Monetary Policy and
Inflation

ECO No. 90/2

Horst UNGERER
The EMS – The First Ten Years
Policies – Developments –
Evolution

ECO No. 90/3

Peter J. HAMMOND
Interpersonal Comparisons of
Utility: Why and how they are
and should be made

ECO No. 90/4

Peter J. HAMMOND
A Revelation Principle for
(Boundedly) Bayesian
Rationalizable Strategies

ECO No. 90/5

Peter J. HAMMOND
Independence of Irrelevant
Interpersonal Comparisons

ECO No. 90/6

Hal R. VARIAN
A Solution to the Problem of
Externalities and Public Goods
when Agents are Well-Informed

ECO No. 90/7

Hal R. VARIAN
Sequential Provision of Public
Goods

ECO No. 90/8

T. BRIANZA/L. PHILIPS/J.-F.
RICHARD
Futures Markets, Speculation and
Monopoly Pricing

ECO No. 90/9

Anthony B. ATKINSON/John
MICKLEWRIGHT
Unemployment Compensation
and Labour Market Transitions:
A Critical Review

ECO No. 90/10

Peter J. HAMMOND
The Role of Information in
Economics

ECO No. 90/11

Nicos M. CHRISTODOULAKIS
Debt Dynamics in a Small Open
Economy

ECO No. 90/12

Stephen C. SMITH
On the Economic Rationale
for Codetermination

ECO No. 90/13

Elettra AGLIARDI
Learning by Doing and
Market Structures

Working Papers in History

HEC No. 90/1

Elisabeth ELGAN/Jan

GRÖNDAHL

Single Mothers in Early

Twentieth Century Sweden: Two
Studies

HEC No. 90/2

Jean-Pierre CAVAILLE

Un théâtre de la science et de la
mort à l'époque baroque:
l'amphithéâtre d'anatomie de
Leiden

Working Papers in Political and Social Sciences

SPS No. 90/1

Reiner GRUNDMANN/Christos

MANTZIARIS

Habermas, Rawls, and the

Paradox of Impartiality



© The Author(s). European University Institute.

Digitised version produced by the EUI Library in 2020. Available Open Access on Cadmus, European University Institute Research Repository.